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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EVERETT L. SPILLARD, II,

12 Plaintiff,

13 v.

14 COSTA, et al.,

15 Defendants.
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No. 2:20-cv-0702 KJM CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

17 On September 24, 2021 plaintiff's amended complaint was dismissed with leave to
18 amend. On October 25, 2021, plaintiff filed a document indicating that he chooses not to file a
19 second amended complaint and, instead, stand on the contents of his amended complaint despite
20 the fact that the court informed plaintiff that he cannot proceed on his amended complaint and
21 explained the reasons his amended complaint was deficient.

22 In light of the foregoing, IT IS HEREBY ORDERED that plaintiff's October 25, 2021
23 "motion to compel service" (ECF No. 15) is denied; and

24 IT IS HEREBY RECOMMENDED that this action be dismissed.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after
27 being served with these findings and recommendations, plaintiff may file written objections with
28 the court. The document should be captioned "Objections to Magistrate Judge's Findings and

Recommendations.” Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 28, 2021


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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